

**FROM THE COMMITTEE ON
MODEL CIVIL JURY INSTRUCTIONS**

The Committee has adopted the following amended model civil jury instructions effective May 6, 2016.

ADOPTED

The Committee has adopted amended instructions for use in invasion of privacy cases alleging a public disclosure of private facts.

**[AMENDED] M Civ JI 114.03 Invasion of Privacy—Public Disclosure of Private Facts—
Elements**

Plaintiff claims that defendant is responsible for invasion of [his / her] privacy. The claim here is that defendant publicly disclosed private facts about plaintiff. The elements of this claim are the following:

- (a) the intentional public disclosure of private information about the plaintiff that is not already a matter of public record or otherwise open to the public,
- (b) that was highly offensive to a reasonable person, and
- (c) that was of no legitimate concern to the public.

It is not necessary that the disclosure be made to the general public. It is sufficient if the disclosure is made to one or more persons such as fellow employees, club members, church members, family, neighbors or others whose knowledge of the facts would be embarrassing to the plaintiff.

Comment

Doe v Henry Ford Health System, 308 Mich App 592 (2014) (holding that the disclosure of private facts must be intentionally done), *Beaumont v Brown*, 401 Mich 80 (1977) overruled in part on other grounds, *Bradley v Saranac Bd of Education*, 455 Mich 285 (1997); *Duran v Detroit News*, 200 Mich App 622 (1993); *Fry v Ionia Sentinel-Standard*, 101 Mich App 725 (1980).

History

Added July 2012. Amended May 2016.

[AMENDED] M Civ JI 114.04 Invasion of Privacy—Public Disclosure of Private Facts—Burden of Proof

Plaintiff has the burden of proving each of the following:

- (a) that defendant intentionally publicly disclosed private information about the plaintiff that was not already a matter of public record or otherwise open to the public,
- (b) that was highly offensive to a reasonable person, and
- (c) that was of no legitimate concern to the public.

Your verdict will be for the plaintiff if the plaintiff has proved all of those elements. Your verdict will be for the defendant if the plaintiff has failed to prove any one of those elements.

Comment

Doe v Henry Ford Health System, 308 Mich App 592 (2014)(holding that the disclosure of private facts must be intentionally done)

History

Added July 2012. Amended May 2016.